

IN THE UNITED STATES DISTRICT COURT FOR THE

_____ DISTRICT OF _____

_____ DIVISION

_____,)
)
Plaintiff,)
)
v.) CIVIL NO. _____
)
_____,)
)
Defendant.)

MOTION TO COMPEL ANSWERS TO
INTERROGATORIES AND REQUEST FOR PRODUCTION

COMES NOW the judgment creditor, the United States of America, and moves this Court to compel answers to interrogatories and responses to requests to produce documents pursuant to Rules 33, 34, 37, and 69 of the Federal Rules of Civil Procedure. Further, the United States requests an order compelling the judgment debtor, _____, to answer the Interrogatories and comply with the Request for Production of Documents of the Judgment Creditor, the United States of America.

Attached hereto and incorporated herein is a memorandum in support of this motion.

Respectfully submitted,

[NAME]
United States Attorney

By: _____
[NAME]
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box _____
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) ____-____

CERTIFICATE OF SERVICE

IT IS CERTIFIED that service of a true copy of the foregoing Motion to Compel Discovery, Memorandum in support thereof and attached Declaration was made by the United States mail this _____ day of _____, 199_, upon:

[NAME]
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box _____
Ben Franklin Station
Washington, D.C. 20044

IN THE UNITED STATES DISTRICT COURT FOR THE

_____ DISTRICT OF _____

_____ DIVISION

_____ ,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. _____
)	
_____ ,)	
)	
Defendant.)	

MEMORANDUM IN SUPPORT OF MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND REQUEST FOR PRODUCTION

On _____, 199_, judgment was entered in favor of the United States and against _____, in the amount of \$_____, plus interest, in the above-captioned case. The entire amount of the judgment plus interest to date remains outstanding.

The United States served interrogatories and request for production in aid of the judgment and execution, pursuant to Rule 69 of the Federal Rules of Civil Procedure, upon _____ on _____, 199_. On _____, 199_, pursuant to _____'s request, by his/her counsel, the United States agreed to extend to _____, 199_, the time for him/her to respond to said interrogatories and request for production. On _____, 199_, _____, through his/her counsel, telephonically informed _____, Trial Attorney, Tax Division, Department of Justice, Washington, D.C., that _____ would not respond to

the interrogatories and request for production by the _____, 199_, deadline, and further, that _____ would probably not answer the interrogatories and request for production at all. To this date there has been no response to either the interrogatories or the request for production.

Rule 69(a) of the Federal Rules of Civil Procedure permits a judgment creditor to obtain discovery from the judgment debtor in the manner provided in the Federal Rules of Civil Procedure, in aid of a judgment or execution. Rule 33 provides for the use of interrogatories to parties and Rule 34 provides for the use of requests for production. Rule 37(a)(2) allows for a party to move for a court order compelling an answer to discovery taken under Rules 33 or 34 when a party fails to comply with such discovery.

In this case, _____, even after an extension of thirty days from the initial due date, is late in responding to the United States' discovery requests. There is no just reason why this Court, in exercising its powers under Rule 37(a)(2), should not order Mr. _____ to answer the United States' Interrogatories and Request for Production immediately, and in the manner required under the Federal Rules of Civil Procedure.

CONCLUSION

For the foregoing reason, this Court should grant an order compelling judgment debtor, _____, to answer the Interrogatories and Request for Production of Judgment Creditor, United States of America.

Respectfully submitted,

[NAME]
United States Attorney

By: _____
[NAME]
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box _____
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) ____-____

IN THE UNITED STATES DISTRICT COURT FOR THE

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_____ DIVISION

_____ ,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. _____
)	
_____ ,)	
)	
Defendant.)	

DECLARATION UNDER PENALTY OF PERJURY

1. My name is _____, and I am the trial attorney for the Tax Division of the United States Department of Justice, to whom the above-captioned case has been assigned. In my capacity as trial attorney, various files relating to the judgment against Mr. _____ and efforts to collect such judgment are in my custody, possession, and control.

2. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America, that the foregoing information set forth in the Memorandum in Support of Motion to Compel Answers to Interrogatories and Request for Production is true and correct,

based upon the files pertaining to this matter which are under my custody, possession and control.

Executed on this ____ day of _____, 199_.

[NAME]
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box _____
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) ____-_____